

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17-BK-3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA

Title III

No. 17-BK-4780-LTS

(Jointly Administered)

**URGENT MOTION TO SEAL AND FOR LEAVE TO REFILE REDACTED
DOCUMENT**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19- BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Electric Power Authority (“PREPA” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² hereby moves this Court for an order permitting the Oversight Board (1) to seal the expert report of Glenn R. George, MBA, PE, PhD [ECF No. 3418, Ex. A] (the “George Report”), and (2) to refile a redacted version of the George Report on the public docket.

Jurisdiction and Venue

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a).
2. Venue is proper pursuant to PROMESA section 307(a).

Relief Requested

3. On April 28, 2023, in accordance with paragraphs 3 and 24 of the *Amended and Restated Order Establishing, Among Other Things, Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith* [ECF No. 3305] (the “Confirmation Procedures Order”), the Oversight Board submitted its *Opening Expert Report and Disclosures* [ECF No. 3418] (the “Expert Report and Disclosures”) in support of confirmation of the *Modified Second Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* [ECF No. 3296] (as it may be amended, modified, or supplemented, the “Plan”).³ The

² PROMESA has been codified in 48 U.S.C. §§ 2101-2241.

³ Capitalized terms not defined herein shall have the meanings ascribed to them in the Plan.

George Report was attached as Exhibit A to the Expert Report and Disclosures, and did not include any redactions.

4. The George Report incorporates information from a document that has been designated “Confidential” pursuant to the operative Protective Order (as defined in the Confirmation Procedures Order) in these confirmation proceedings. The Oversight Board’s filing of the George Report inadvertently did not redact that confidential information. Prior to the filing of this Motion, on the morning of May 1, 2023, counsel for the Oversight Board contacted the clerk of the Court, who agreed to temporarily seal the George Report until the Court rules on this Motion.

5. Paragraph 25 of the Confirmation Procedures Order permits the parties to file opening expert reports with confidential information redacted, with the proffering party providing an unredacted copy to the Court and making the unredacted copy available on the Plan Depository. The Oversight Board will upload an unredacted copy to the Plan Depository and will provide the Court a courtesy unredacted copy.

6. Pursuant to paragraph 25 of the Confirmation Procedures Order, the Oversight Board hereby requests that the Court seal the George Report in its entirety.

7. The Oversight Board further requests leave to refile the George Report on the public docket with confidential information redacted.

8. The sealed, unredacted version of the George Report will be made available to counsel for parties in this case who have agreed to be bound by the Protective Order for the Depository in accordance with Paragraph 25 of the Confirmation Procedures Order.

Certification in Compliance with the First Amended Case Management Procedures and Local Rule 9013-1

9. Pursuant to Local Rule 9013-1 and paragraph I.H of the Sixteenth Amended Case Management Procedures, the Oversight Board hereby certifies that it has (a) carefully examined the matter and concluded that there is a true need for an urgent hearing; (b) not created the urgency through any lack of due diligence; (c) made a bona fide effort to resolve the matter without a hearing; and (d) made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court.

10. In the morning of May 1, 2023, counsel for the Oversight Board contacted counsel for the following parties and asked them whether they objected to the relief sought herein: (i) the Ad Hoc Group of PREPA Bondholders; (ii) the Ad Hoc Committee of National Claim Assignees; (iii) the Official Committee of Unsecured Creditors; (iv) Unión de Trabajadores de la Industria Eléctrica y Riego, Inc.; (v) Sistema de Retiro de Empleados de la Autoridad de Energía Eléctrica; (vi) PV Properties, Inc.; (vii) Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico; and (viii) Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc.-Enlace de Acción Climática, Comité Yabucoño Pro-Calidad de Vida, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Sierra Club Puerto Rico, Inc., Mayagüezanos por la Salud y el Ambiente, Inc., Coalición de Organizaciones Anti Incineración, Inc., and Amigos del Río Guaynabo, Inc. As of the filing of this Motion, counsel for the Ad Hoc Group of PREPA Bondholders has objected to this motion. No other party has indicated whether they consent to, or oppose, this Motion.

WHEREFORE the Oversight Board respectfully requests that the Court enter an order sealing the George Report and granting leave to refile a redacted version of the same on the public docket.

Dated: May 1, 2023
New York, New York

Respectfully submitted,
/s/ Margaret A. Dale

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer

Hermann D. Bauer

Exhibit A

Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

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THE COMMONWEALTH OF PUERTO RICO, *et al.*,

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ORDER ON URGENT MOTION TO SEAL AND FOR LEAVE TO REFILE REDACTED DOCUMENT

Upon consideration of the urgent motion (the “Urgent Motion”) of the Puerto Rico Electric Power Authority (“PREPA” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² for an order (1) sealing the expert report of Glenn R. George, MBA, PE, PhD [ECF No. 3418, Ex. A] (the “George Report”), and (2) permitting the Oversight Board to refile a redacted version of the George Report on the public docket; and it appearing that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 48 U.S.C. § 2166(a), (ii) that venue of this proceeding and the Joint Urgent Motion is proper under 28 U.S.C. § 1391(b) and 48 U.S.C. § 2167(a); (iii) that notice of the Joint Urgent Motion was adequate and proper under the circumstances and that no further or other notice need be given; and after due deliberation and sufficient cause appearing therefore, it is hereby ORDERED that:

1. The Urgent Motion is GRANTED as set forth herein.
2. The Court will seal the unredacted George Report currently filed on the public docket at ECF No. 3418, Ex. A.
3. The Oversight Board is granted leave to refile the George Report on the public docket with confidential information redacted.
4. The Court, as well as to the counsel for parties in this case who have agreed to be bound by the Protective Order for the Plan Depository, shall have access to the unredacted version of the George Report under seal.

² PROMESA has been codified in 48 U.S.C. §§ 2101-2241.

5. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: _____
San Juan, Puerto Rico

UNITED STATES DISTRICT JUDGE